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Documents enclosed are:

- ☒ Response to Election Requirement mailed April 15, 2005; and
- ☒ Postcard.

Renee Treider

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Ifw

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/719,800	
	Filing Date	November 21, 2003	
	First Named Inventor	Clifford H. Ray, et al.	
	Art Unit	2857	
	Examiner Name	McElheny, Donald E.	
Total Number of Pages in This Submission	5	Attorney Docket Number	021120.0041.000

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard		
<table border="1"><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Mark A. Tidwell, Reg. No. 37,456 JACKSON WALKER LLP, 112 E. Pecan Street, Suite 2100, San Antonio, Texas 78205
Signature	
Date	May 3, 2005

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Typed or printed name	Renee Treider	Date	May 3, 2005
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Clifford H. Ray, et al.	ATTY DKT NO. 021120.0041.000
SERIAL NO. 10/719,800	GROUP ART UNIT: 2857
FILED: November 21, 2003	EXAMINER: McElheny Jr., Donald E.
TITLE: METHOD AND SYSTEM FOR THE TRANSMISSION OF SEISMIC DATA	
TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	

RESPONSE TO ELECTION REQUIREMENT
MAILED APRIL 15, 2005

Sir:

In response to the Office Action mailed April 15, 2005, Applicant traverses the election requirement between Groups I and II, as set forth below, on the grounds that the method of Group I is not distinct from the apparatus of Group II since practice of the method of Group I requires the physical apparatus as claimed in Group II and the physical apparatus of Group II must employ the claimed method of Group I in order to function as set forth in the specification.

More specifically, the Examiner has identified the following groups and required a restriction:

Group I: Claims 1-69, 80-82, 86 and 87, drawn to a method of transmitting seismic data utilizing a network of seismic devices that comprise an array;

Group II: Claims 70-79, drawn to a network of seismic devices utilized to transmit data therebetween; and

Group III: Claims 83-85, drawn to a method and apparatus for charging the batteries of a seismic detection apparatus.

MPEP 806.05(h) states "A product and a process of using the product can be shown to be distinct inventions if either or both of the following can be shown: (A) the process of using as

claimed can be practiced with another materially different product; or (B) the product as claimed can be used in a materially different process.”

The Examiner has not given any specific example of how the method of Group I and the apparatus of Group II can be used in materially different ways. While the examiner’s general conclusion might be applicable across all three Groups, the Examiner is respectfully requested to provide an example as between Groups I and II, establishing that a restriction requirement is in fact appropriate.

Notwithstanding the foregoing, the method of Group I utilizes an array of seismic devices, each with short range radio transmission capability, to “hop” communications between adjacent devices. By doing this multiple times across a large array, signals can be transmitted with minimal power requirements utilizing only short range radio transmission. The method requires at least two adjacent or physically close wireless seismic acquisition units, each of which has the capability to receive and transmit short range radio transmissions. These wireless seismic acquisition units are the focus of Group II.

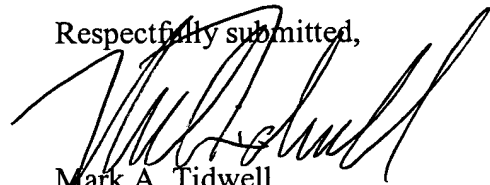
The method could not be practiced without an array of the wireless seismic acquisition units recited in Group II. Like, the wireless units as recited in Group II could not be utilized for their practical purpose without practicing the method of Group I since the units are not hardwired and they are not utilizing long range radio signals to transmit seismic data. Thus the method of Group I and apparatus of Group II are interdependent.

Since the seismic data collection units of Group II must utilize the method of Group I in order to transmit data, and since the method of short range seismic data transmission of Group I can only be used with a seismic unit having a short range transmitter and receiver which unit is in proximity with a similar unit, the method and apparatus of the invention are not distinct for purposes of MPEP 806.05(h). For this reason, the Examiner is respectfully requested to withdraw his restriction.

Notwithstanding the foregoing, in the event the Examiner continues to restrict the application, the Applicant hereby elects the claims of Group I, namely Claims 1-69, 80-82, 86 and 87 drawn to a method for seismic data transmission.

If this response does not meet the Examiner's requirements, the Examiner is requested to contact Mark Tidwell at 713-752-4578.

Respectfully submitted,



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